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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-231

13 EIKO TANIUCHI
480 Quail Meadow
Irvine, CA 92603

A C C U S A T I O N

14 Registered Nursing License No. 579154

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about March 28, 2001, the Board of Registered Nursing (Board)
23 issued Registered Nursing License No. 579154 to Eiko Taniuchi (Respondent). The Registered
24 Nursing License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on November 30, 2010, unless renewed.

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STATEMENT OF FACTS

9. On or about August 15, 2002, Patient A.O. received a liver transplant at Saint Vincent Medical Center. During his recovery, Patient A.O. and his mother met Respondent, who was working as a Registered Nurse at Saint Vincent Medical Center. Respondent was not assigned to care for Patient A.O.

10. After Patient A.O. was released from Saint Vincent Medical Center, Patient A.O.'s mother contacted Respondent and asked if Respondent would provide home health care services to Patient A.O. In or about September 2002, Respondent began providing part-time assistance to Patient A.O.

11. In or about October 2002, Respondent moved into Patient A.O.'s home as her place of residence. Respondent and Patient A.O. entered into a personal, financial and sexual relationship. Patient A.O. added Respondent's name to the titles on his house, vehicles and bank accounts, and as a beneficiary of his living trust.

12. Because Patient A.O.'s medical condition was job-related, his care was paid for by his employer's worker's compensation carrier, Hazelrigg Risk Management (Hazelrigg). In or about May 2003, Hazelrigg began compensating Respondent for her services as Patient A.O.'s full-time home health care nurse. Hazelrigg continued to pay Respondent for these services until in or about October 2003.

13. Respondent's personal, financial and sexual relationship with Patient A.O. continued throughout the time that she worked as Patient A.O.'s paid home health care nurse, and lasted until in or about June 2006, when Respondent moved out of Patient A.O.'s home. When Respondent left Patient A.O., she took with her a Mercedes car that Patient A.O. had purchased. Thereafter, she had Patient A.O.'s name removed from the title to that car. She also withdrew thousands of dollars from one of the joint accounts.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)


3 14. Respondent is subject to disciplinary action under section 726 and section
4 2761, subdivision (a), for having a sexual and financial relationship with Patient A.O. while she
5 was working as his home health care nurse. Complainant refers to and incorporates all of the
6 allegations in paragraphs 9 through 13, inclusive, as though set forth fully.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nursing License No. 579154, issued
11 to Eiko Taniuchi;
- 12 2. Ordering Eiko Taniuchi to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: 3/27/09

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RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant